

JUN 1 1973

MICHAELE WUDAK, JR.

Nos. 72-1490 and 72-1491

IN THE

Supreme Court of the United States
October Term, 1972

FEDERAL POWER COMMISSION, *et al.*, Petitioners
v.
TEXACO INC., *et al.*, Respondents

On Petitions For Writs of Certiorari to The
United States Court of Appeals For The
District of Columbia Circuit

BRIEF OF THE RESPONDENT TEXACO INC.
IN OPPOSITION

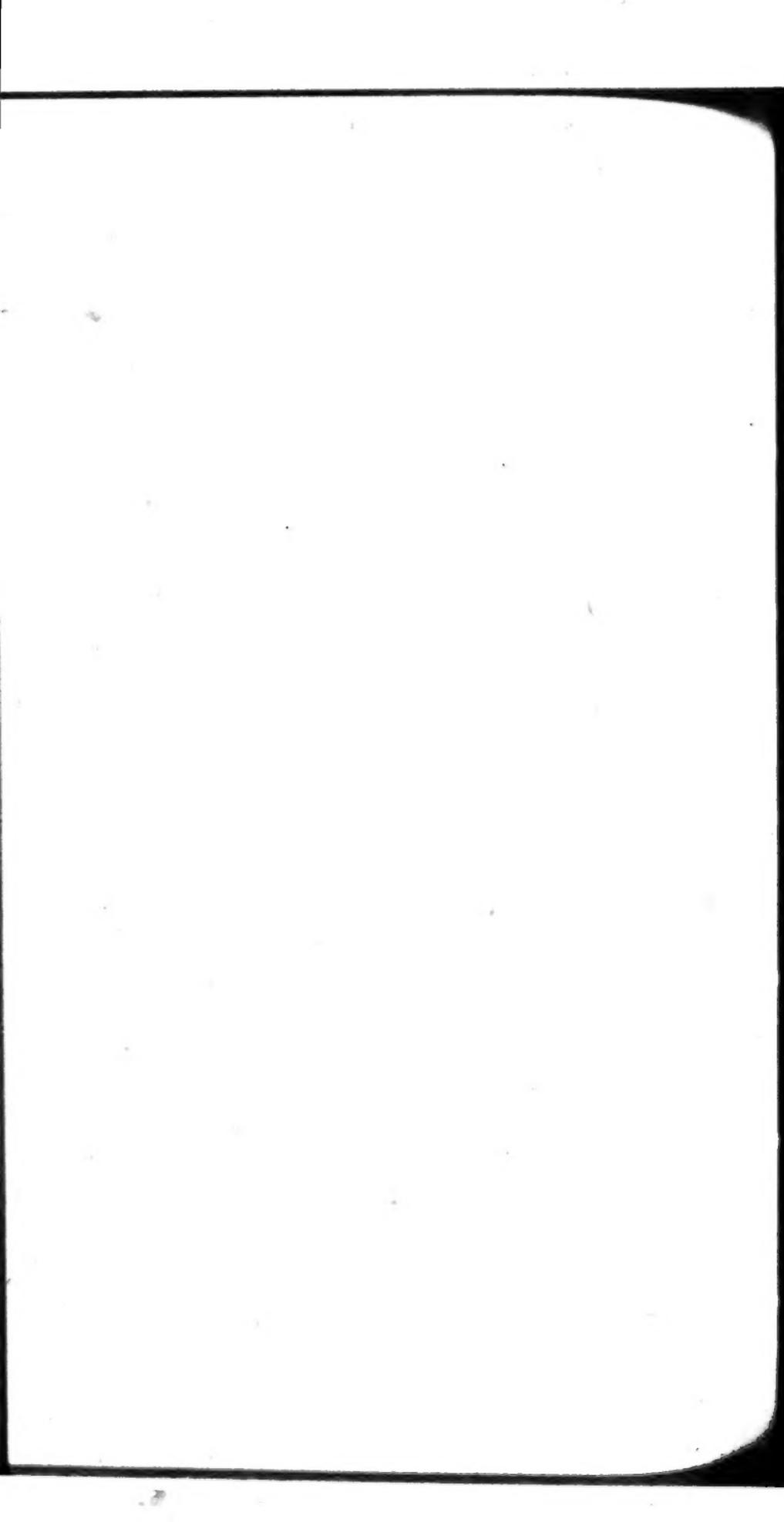
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June 1, 1973

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**BRIEF OF THE RESPONDENT TEXACO INC.
IN OPPOSITION**

Texaco Inc. (Texaco), a Respondent in this proceeding, opposes the petitions for writs of certiorari filed by the Solicitor General on behalf of the Federal Power Commission (Commission) in No. 72-1490 and Dudley T. Dougherty, *et al.*, Co-Executors of The Estate of Mrs. James R. Dougherty, *et al.*, in No. 72-1491. Texaco fully supports the concept of deregulation of *all* interstate gas

producer sales in interstate commerce from Commission jurisdiction under the Natural Gas Act (Act). However, this Court's decision in the first *Phillips* case, *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672 (1954), and other legal precedents, lead Texaco to believe that relief from direct rate regulation under the mandatory provisions of Section 4 of the Act of some or all independent gas producers can be granted only by Congress, not the Commission. Additionally, in support of its opposition, Texaco adopts *mutatis mutandis* the brief in opposition of Respondent, Phillips Petroleum Company, filed herein on June 1, 1973. Therefore, Texaco opposes the petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit filed by Petitioners herein.

Respectfully submitted,

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